

Attorney Docket No. 5470-368

PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Ting et al.  
Application No.: 10/511,989  
International Application No.: PCT/US03/13562  
International Filing Date: 30 April 2003  
For: CATERPILLER GENE FAMILY

Confirmation No. 4540

Date: 25 May 2005

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

In response to the April 26, 2005 Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office issued regarding the above-identified patent application, enclosed are:

- 1) a copy of the Notification
- 2) an executed Declaration and Power of Attorney document;
- 3) a check in the amount of **\$65.00** as payment of the surcharge.

Applicants are further enclosing a Preliminary Amendment, Submission of Replacement Formal Drawings, a substitute paper copy of the Sequence Listing, a substitute copy of the Sequence Listing in computer-readable format, and a Statement in Support of the Sequence Listing.

Applicants assert small entity status for this application in accordance with 37 C.F.R. § 1.27. The amount enclosed is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any

overpayment to Deposit Account No 50-0220.

05/31/2005 SNAJARRO 00000073 10511989

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Respectfully submitted,



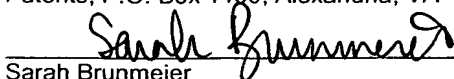
Karen A. Magri  
Registration No. 41,965

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

"Express Mail" mailing label number: EV675782355US

Date of Deposit: May 25, 2005

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Sarah Brunmeier

**Customer No. 20792**

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Telephone: (919) 854-1400  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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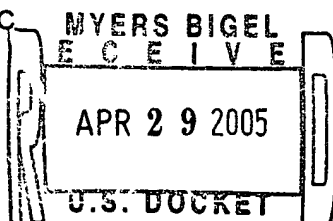
U.S. APPLICATION NUMBER NO. 10/511,989	FIRST NAMED APPLICANT Jenny Ting	ATTY. DOCKET NO. 5470-368
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INTERNATIONAL APPLICATION NO. PCT/US03/13562
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I.A. FILING DATE 04/30/2003	PRIORITY DATE 04/30/2002
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20792

MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627



CONFIRMATION NO. 4540  
 371 FORMALITIES LETTER



\*OC000000015849630\*

Date Mailed: 04/26/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/21/2004
- Copy of the International Search Report filed on 10/21/2004
- Preliminary Amendments filed on 10/21/2004
- Biochemical Sequence Diskette filed on 10/21/2004
- Biochemical Sequence Listing filed on 10/21/2004
- Small Entity Statement filed on 10/21/2004
- U.S. Basic National Fees filed on 10/21/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE

DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,989	PCT/US03/13562	5470-368

FORM PCT/DO/EO/905 (371 Formalities Notice)

10/511989

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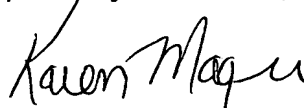
**SUBMITTAL OF REPLACEMENT FORMAL DRAWINGS**

Sir:

Enclosed herewith are two pages of replacement formal drawings in connection with the above-referenced patent application. The enclosed replacement sheets for Figures 30C and 30D should be substituted for the originally filed Figures 30C and 30D and should be included in the application as published under 37 U.S.C. §122(b).

If any extension of time for the accompanying response or submission is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,



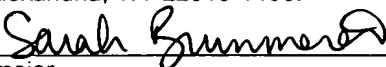
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Page 5 of 5

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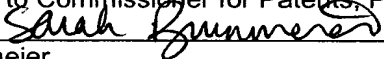
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Sarah Brunmeier

Rec'd PCT/PTO 25 MAY 2005

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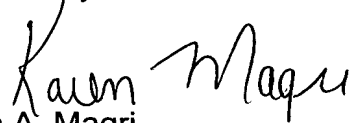
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**STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

Respectfully submitted,



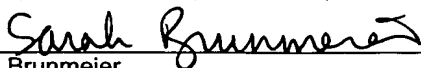
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